

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|----------------------------|---|--------------------------------|
| ANDREW ROOKS, # 62301-018, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 2:18cv194-WHA |
| |) | (WO) |
| WALTER WOODS, |) | |
| |) | |
| Defendant. |) | |

ORDER

On April 16, 2018, Plaintiff submitted a document to the court in which he states he does not wish to pursue this *Bivens* civil rights action. Doc. # 4. The court construes this document as Plaintiff's notice of voluntary dismissal under Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]" Fed.R.Civ.P. 41(a)(1)(A)(i). The Defendant has not filed a responsive pleading, nor has Defendant been directed to file a responsive pleading, to Plaintiff's complaint.

Accordingly, it is ORDERED that this action is DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 41(a)(1). The Clerk is DIRECTED to close this case.

DONE this 19th day of April, 2018.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE